

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

TIMOTHY STRAETEN, Register No.516953)	
)	
Plaintiff,)	
)	
v.)	No. 09-4018-CV-C-NKL
)	
POTOSI CORRECTIONAL CENTER, et al.,)	
)	
Defendants.)	

ORDER

On May 9, 2009, the United States Magistrate Judge recommended dismissing plaintiff's claims for failure to state a claim on which relief may be granted. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on May 18, 2009. Plaintiff's exceptions addressing plaintiff's claims arising from his incarceration at Potosi Correctional Center, regarding lost property, and alleging false conduct violations and resulting administrative segregation, were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted as to these claims.

Plaintiff's objections, however, do specifically identify defendants at the Jefferson City Correctional Center who he alleges assaulted or used excessive force against him, and therefore, these claims will not be dismissed.

Nonetheless, there is no coherent or understandable complaint in this case on which plaintiff can proceed. The large volume of separate filings made in this case, make it almost impossible to determine exactly what plaintiffs claims are; therefore, plaintiff will be required to file an amended complaint, on court approved forms. Plaintiff's amended complaint, should not contain any claims of which this court is dismissing by this order. Plaintiff must follow Rule 8(a) of the Federal Rules of Civil Procedure, which requires a complaint to include "a

short and plain statement of the claim showing that the pleader is entitled to relief; and a demand for the relief sought....” (emphasis added). Plaintiff should specifically identify each defendant and his or her specific action(s) that plaintiff alleges violated his constitutional rights. Plaintiff is advised that making a large number of unnecessary filings in his case only delays the processing of his case.

Plaintiff’s motion seeking appointment of counsel is denied, without prejudice. It is the general practice of this court to deny requests for appointment of counsel in the very early stages of the proceedings before an answer has been filed, or when it appears that dismissal may be warranted because the complaint “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” See 28 U.S.C. §§ 1915 or 1915A. Accordingly, it is

ORDERED that plaintiff’s motion for appointment of counsel is denied, without prejudice. [34] It is further

ORDERED that the Magistrate Judge’s May 9, 2009, Report and Recommendation is adopted in part [12]. It is further

ORDERED that plaintiff’s claims arising from his incarceration at Potosi Correctional Center, are dismissed without prejudice. It is further

ORDERED that plaintiff’s claims regarding lost property, and alleging false conduct violations and resulting administrative segregation are dismissed, for failure to state a claim, pursuant to 28 U.S.C. 1915. It is further

ORDERED that plaintiff’s motions to amend and supplement are denied, without prejudice, as moot in light of this court’s directive for plaintiff to file an amended complaint. [10, 15, 30, 36] It is further

ORDERED that plaintiff file an amended complaint, as specifically set forth in this order, on court approved forms, within twenty days of the date of this order. It is further

ORDERED that the Clerk of Court forward to plaintiff, with this order, the court’s 42 U.S.C. § 1983 complaint forms.

Dated this 7th day of December, 2009, at Jefferson City, Missouri.

/s/ Nanette Laughrey

Nanette K. Laughrey
United States District Judge